

**Notice of Allowability**

Application No.

09/450,217

Applicant(s)

ERDMANN ET AL.

Examiner

David Lukton

Art Unit

1653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/1/04.
2. ☒ The allowed claim(s) is/are 1-4,6-18 and 21-27.
3. ☒ The drawings filed on 29 November 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20040401.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Pursuant to the directives of the response filed 4/1/04, claims 1, 8, 9, 24 and 25 have been amended. Claims 1-4, 6-19, 21-26 remain pending. Claims 14-19 and 21-23, previously withdrawn, have now been rejoined and examined. Pursuant also to the following Examiner's Amendment, claims 1-4, 6-18, 21-27 are allowable.



An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- **Cancel** claim 19.
- In claim 21, line 1, **delete** "claim 19", and **substitute therefor:** - - claim 27 - - .
- In claim 22, line 1, **delete** "claim 19", and **substitute therefor:** - - claim 27 - - .
- In claim 23, lines 1-2, delete the following phrase:

"further comprising the step of freeze-drying the retentate",

and **substitute in its place** the following:

- - wherein the recovered retentate is freeze-dried - - .
- **Add** the following claim:

27. A process for obtaining a composition comprising a carrier and a fraction of a lactic raw material enriched in glycomacropeptide or caseinoglycomacropeptide ("GMP"), wherein said process comprises the steps of:

deionizing a lactic raw material for a time sufficient to obtain a substantially deionized lactic raw material having a pH of about 1 to 4.5 with the pH being adjusted, if necessary, to the recited range;

contacting the substantially deionized lactic raw material with an anionic resin having a hydrophobic matrix for a sufficient amount of time and at a sufficient temperature to adsorb a substantial amount of GMP onto the anionic resin from the substantially deionized lactic raw material and to obtain a treated liquid material that does not contain substantial amounts of GMP;

separating the resin from the treated liquid material;

separating the adsorbed GMP enriched fraction from the resin; and

combining said GMP enriched fraction with a carrier;

wherein said process the GMP enriched fraction includes less than 1% by weight of fat, less than 0.2% by weight of lactose, and less than 3% by weight of true whey products.

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Authorization for this Examiner's Amendment was given in a telephone conversation with  
Rodney Fuller on 4/29/04.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

*D. Lukton 4/29/04*

*Christopher S. F. Low*  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
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